

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SAMUEL T. RUSSELL, )  
Plaintiff, )  
v. )  
STATE OF TEXAS, )  
Defendant. ) Civil Action No. 3:19-CV-0334-C-BT

## **ORDER**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Defendant's Motion to Dismiss should be granted and that Plaintiff's claims should be dismissed for lack of subject-matter jurisdiction.<sup>1</sup>

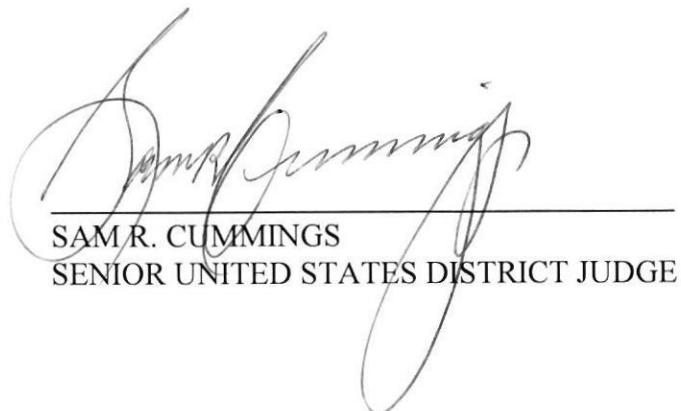
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Petitioner's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein,

<sup>1</sup> Plaintiff filed objections to the report and recommendation on February 4, 2020.

Defendant's Motion to Dismiss is hereby **GRANTED** pursuant to Federal Rule of Civil Procedure 12(b)(1) and Plaintiff's claims are **DISMISSED** without prejudice for lack of subject-matter jurisdiction.<sup>2</sup>

SO ORDERED this 10<sup>th</sup> day of February, 2020.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>2</sup> "When an action is dismissed for lack of subject matter jurisdiction, it is normally done without prejudice. . ." *Flores v. Dretke*, 2004 WL 238048, at \*1 (N.D. Tex. Jan. 9, 2004).